

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 08-14611

Honorable Patrick J. Duggan

Magistrate Michael J. Hluchaniuk

ELEVEN THOUSAND ONE HUNDRED THIRTY  
NINE DOLLARS AND NINETY ONE CENTS IN  
U.S. CURRENCY (\$11,139.91), FROM COMERICA  
BANK ACCOUNT #0003-8516373967;  
SIXTEEN THOUSAND EIGHT HUNDRED  
SEVEN DOLLARS AND SEVENTY FIVE CENTS  
IN U.S. CURRENCY (\$16,807.75) FROM COMERICA  
BANK ACCOUNT #1850191535;

Defendants *In Rem*.

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**STIPULATION FOR ENTRY OF CONSENT JUDGMENT  
AND FINAL ORDER OF FORFEITURE**

NOW COME the plaintiff, the United States of America, by and through its counsel, Barbara L. McQuade, United States Attorney, and Philip A. Ross, Assistant United States Attorney, and claimant, Jose Castro-Ramirez, by and his attorney, Allen M. Wolf, and submit the following stipulation:

WHEREAS, on or about October 30, 2008, plaintiff UNITED STATES OF AMERICA filed a Complaint for Forfeiture against \$11,139. 91 U.S.C. from Comerica Bank account number 0003-8516373967, \$11,740.61 U.S.C. from Comerica Bank account number 9403-47035-5, and \$16,807.75 U.S.C. from Comerica Bank account number 1850191535.

WHEREAS, on or about November 26, 2008 claimant Jose-Castro Ramirez filed his Verified Claim to defendants \$11,139. 91 U.S.C. from Comerica Bank account number 0003-8516373967 and \$16,807.75 U.S.C. from Comerica Bank account number 1850191535.

WHEREAS on or about November 26, 2008, claimants Jose-Castro Ramirez and Magda Rodriguez, filed their Verified Claim to defendant \$11,740.61 U.S.C. from Comerica Bank account number 9403-47035-5.

WHEREAS, on or about December 26, 2008, the claimants filed their Answer and Affirmative Defenses.

WHEREAS, on or about February 16, 2010, the Court entered the Stipulation Agreeing to Release Funds to Claimant and Withdrawing Claimant's Motion to Lift Stay and Release Untainted Funds, releasing defendant \$11,740.61 U.S.C. from Comerica Bank account number 9403-47035-5 to claimant, Jose Castro-Ramirez. This account was the only defendant property jointly claimed jointly by Jose Castro-Ramirez and Magda Rodriguez.

WHEREAS the plaintiff, the UNITED STATES OF AMERICA, and the claimant, Jose Castro-Ramirez, wishes to resolve this matter without further litigation and expense.

NOW THEREFORE, IT IS HEREBY STIPULATED by and between plaintiff, UNITED STATES OF AMERICA, through its counsel, Barbara L. McQuade, United States Attorney, and Philip A. Ross, Assistant United States Attorney, and claimant Jose Castro-Ramirez, by and through his attorney, Allen M. Wolf, Esq., as follows:

- 1) This action is a civil in rem forfeiture action brought pursuant to 18 U.S.C. § 981 (a)(1)(A) and (a)(1)(C).
- 2) This Court has jurisdiction and venue over this action pursuant to 28 U.S.C. §§ 1345, 1355 and 1395.
- 3) The allegations of the Complaint for Forfeiture are well taken, and the United States and its agents had reasonable cause for seeking forfeiture of the above-

enumerated property as provided in 28 U.S.C. § 2465. The Government's position in this action is substantially justified as provided in 28 U.S.C. § 2412(d)(1)(B).

- 4) Claimants Jose Castro-Ramirez agree that the defendant currency \$11,139. 91 U.S.C. from Comerica Bank account number 0003-8516373967, and \$16,807.75 U.S.C. from Comerica Bank account number 1850191535 shall be **FORFEITED** to the United States of America pursuant to 18 U.S.C. § 981 (a)(1)(A) and (A)(1)(C), or both. Further, any right, title or interest of claimants Jose Castro-Ramirez, his successors and assigns, and any right, title and ownership interest of all other persons in the forfeited currency is hereby and forever **EXTINGUISHED** and that clear title to the forfeited currency plus any interest accrued since the date of seizure thereon shall hereby be **VESTED** in the United States of America, and that the United States Marshals Service, or its delegatee, is **AUTHORIZED** to dispose of the forfeited currency according to law.
- 5) The United States of America agrees that, upon entry of this Consent Judgment and Final Order of Forfeiture, the government will waive its right to seek a preliminary order of forfeiture and/or a money judgment for forfeiture against Jose Castro-Ramirez as part of his sentence in the companion criminal case, No. 2:09-cr-20215 (Cox, J.).
- 6) Claimant, Jose Castro-Ramirez, hereby knowingly and voluntarily waive any and all right to reimbursement by the United States of America of reasonable attorney fees and litigation costs in connection with this civil forfeiture action under 28

U.S.C. § 2465(b)(1)(A) or any other statute that might conceivably apply.

- 7) Claimants, Jose Castro-Ramirez, agrees to release, remise and discharge plaintiff, the United States of America, and any of its agencies involved in this matter, including the Federal Bureau of Investigation, the United States Marshals Service, the United States Attorneys Office, and their agents, officers and employees, past and present, from all claims or causes of action which claimant and his agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.
- 8) Upon entry of this Consent Judgment and Final Order of Forfeiture this case shall be dismissed **WITH PREJUDICE** and closed.
- 9) All of the parties to this Stipulation have discussed this settlement with their respective counsel, and fully understand its terms and conditions and the consequences of entering into it. The parties agree that each shall bear their own costs in this matter.

Respectfully submitted,

Barbara L. McQuade  
United States Attorney

s/Philip A. Ross  
Philip A. Ross  
Assistant United States Attorney  
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s/Allen M. Wolf  
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(248) 693-6245  
Email: [awolf@lawwolf.com](mailto:awolf@lawwolf.com)

Dated: 8/18/10

Dated: 8/18/10

s/Jose Castro-Ramirez (see attached signature page)  
Dr. Jose Castro-Ramirez, Claimant

Dated: 8/18/10

**IT IS SO ORDERED.**

S/Patrick J. Duggan  
Patrick J. Duggan  
United States District Judge

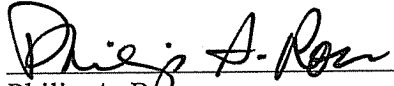
Dated: August 20, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 20, 2010, by electronic and/or ordinary mail.

S/Marilyn Orem  
Case Manager

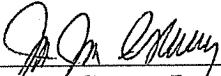
Respectfully submitted,

Barbara L. McQuade  
United States Attorney



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Dated: 8/18/10



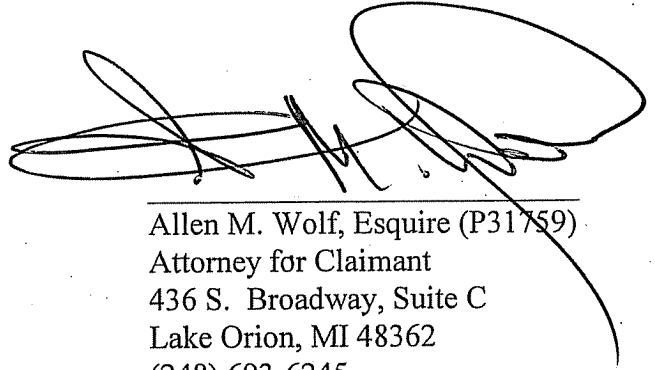
Dr. Jose Castro-Ramirez, Claimant

Dated: 8-18-2010

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**IT IS SO ORDERED.**

Dated: \_\_\_\_\_



Allen M. Wolf, Esquire (P31759)  
Attorney for Claimant  
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(248) 693-6245  
Email: awolf@lawwolf.com

Dated:

8/18/10

\_\_\_\_\_  
HONORABLE PATRICK J. DUGGAN  
United States District Judge

